

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MARCUS ANTHONY HAMILTON §  
VS. § CIVIL ACTION NO. 1:24-CV-355  
MONTGOMERY CNTY. POLICE DEP'T, §  
ET AL.

## MEMORANDUM OPINION AND ORDER

Plaintiff Marcus Anthony Hamilton, a prisoner currently confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Montgomery County Police Department and the State of Texas. Plaintiff challenges the constitutionality of his arrest in Montgomery County, Texas.

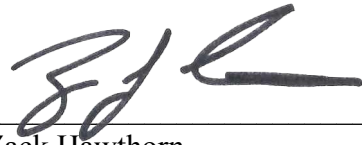
## Discussion

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Montgomery County is located in the Houston Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served if the complaint were transferred to the district in which the claims arose. Therefore, this action should be transferred to the Southern District of Texas. It is accordingly

**ORDERED** that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 3rd day of September, 2024.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn  
United States Magistrate Judge